

# Indictment of Israel's Genocide in Gaza: Irrefutable Evidence and Imperative Legal Obligations

## Introduction

The State of Israel's actions in Gaza since October 7, 2023, unequivocally constitute genocide under the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, as substantiated by compelling evidence from authoritative sources, including Amnesty International, United Nations bodies, and eminent genocide scholars. This memorandum asserts that Israel's conduct satisfies the legal elements of genocide, encompassing both *actus reus* and *mens rea*, thereby triggering the non-derogable obligations of state parties under the Genocide Convention and the Responsibility to Protect (R2P) doctrine. Failure to act decisively implicates states and their officials in complicity, exposing them to civil and criminal liability for aiding and abetting war crimes, crimes against humanity, and the crime of genocide.

## Indictment: Irrefutable Evidence of Genocide in Gaza

### Actus Reus: Prohibited Acts Constituting Genocide

The Genocide Convention delineates five prohibited acts, any one of which, when committed with intent, constitutes genocide. Israel's actions in Gaza manifestly fulfill all five.

#### 1. Killing Members of the Protected Group:

- Israel has caused the deaths of over 50,000 Palestinians, including thousands of children, as documented by Amnesty International's December 2024 report.

#### 2. Causing Serious Bodily or Mental Harm:

- Israel's actions have injured over 200,000 Palestinians, rendering Gaza the global epicenter of child amputees due to relentless bombardment and absent medical facilities.
- UN Special Rapporteur Francesca Albanese's March 2024 report underscores the profound trauma endured by 1.9 million displaced persons.

#### 3. Deliberately Inflicting Conditions of Life Calculated to Bring About Physical Destruction:

- Since March 2025, Israel's total siege has severed electricity, water, fuel, and aid, precipitating starvation, with Finance Minister Bezalel Smotrich declaring, "Not a single grain of wheat will enter Gaza".
- By June 2025 Israel has dropped about 90,000 tons of explosives on Gaza, equivalent to the explosive power of six Hiroshima bombs, obliterating 70% of residential buildings, 80% of schools and universities, 33 hospitals, effectively rendering Gaza uninhabitable.

#### 4. Imposing Measures to Prevent Births:

- Malnutrition and collapsed healthcare systems have induced widespread miscarriages, with infants and children disproportionately vulnerable to starvation, thwarting the group's biological continuity.

#### 5. Forcibly Transferring Children:

- Thousands of Palestinian children and infants have been killed, effectively "transferred to their graves" through targeted strikes, a grotesque violation of the Convention.

The simultaneous commission of all five prohibited acts underscores the egregiousness of Israel's genocidal campaign, each act independently sufficient to establish *actus reus*.

### Mens Rea: Specific Intent to Destroy

The requisite intent to destroy the Palestinian group in Gaza, in whole or in part, is incontrovertibly established through official rhetoric, societal endorsement, and systematic conduct.

#### 1. Dehumanizing and Genocidal Statements:

- Over 500 statements by Israeli officials since October 7, 2023, documented by Law for Palestine, evidence genocidal intent. Notable examples include:
  - Prime Minister Benjamin Netanyahu (October 2023), invoking "Amalek," a biblical call for total destruction.
  - Defense Minister Yoav Gallant (October 9, 2023), branding Palestinians "human animals."
  - Heritage Minister Amichai Eliyahu (November 5, 2023), advocating nuclear annihilation of Gaza
  - Finance Minister Bezalel Smotrich (2025), enforcing starvation with "not a single grain of wheat"
- Annual "Death to Arabs" chants at Jerusalem's Flag March reflect pervasive societal animus.
- A Haaretz poll (May 23, 2025) reveals 82% of Israeli Jews support expelling Palestinians from Gaza, evidencing societal intent.

#### 2. Non-Compliance with ICJ Orders to Prevent Genocide:

- Israel's non-compliance with the International Court of Justice's (ICJ) January 2024 provisional measures to prevent genocide further demonstrate genocidal intent.

### Irrefutable Credible Evidence

The genocide charge is substantiated by: - **Amnesty International:** Its 2024 report conclusively determines Israel's actions as genocide - **Genocide and Holocaust Scholars:** Experts, including Raz Segal, unanimously classify Israel's conduct as genocidal - **Holocaust Survivors:** Numerous survivors have publicly condemned Israel's actions as genocidal in open letters. - **Former Prime Minister Ehud Olmert:** In May 2025, he denounced Israel's "war of extermination" involving "indiscriminate, brutal, and criminal

killing” - **European Union’s 2024 Gaza Report:** Leaked in November 2024, it documents war crimes and potential genocide, cautioning against complicity

## Legal and Moral Imperatives

### Obligations Under the Genocide Convention

The Genocide Convention imposes an absolute duty on its 153 state parties to prevent and punish genocide (Article I). The ICJ’s judgment in *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Bosnia and Herzegovina v. Serbia and Montenegro)* (2007) mandates states to employ all reasonable means to prevent genocide upon credible evidence, with failure constituting complicity under Article III(e). State parties are legally bound to: - Implement targeted sanctions and arms embargoes, as demanded by UN Special Rapporteur Francesca Albanese. - Facilitate prosecutions before the International Criminal Court (ICC) or competent domestic tribunals (Article VI). - Terminate all military, financial, or diplomatic support to Israel to avert complicity.

The Rome Statute of the ICC (1998) empowers prosecution of individuals for aiding and abetting genocide, with no immunity for public officials (Articles 25(3)(c), 27)

### Responsibility to Protect (R2P)

The R2P doctrine, endorsed by the UN General Assembly in 2005, obligates states to protect populations from genocide, war crimes, ethnic cleansing, and crimes against humanity. Israel’s manifest failure to protect Palestinians, coupled with its perpetration of atrocities, mandates international intervention, including: - Imposition of targeted sanctions and arms embargoes, as urged by the UN Special Committee (2024). - Support for ICC investigations, as advocated by Human Rights Watch (2024) - Advocacy for UN Security Council measures, notwithstanding obstructions by permanent members.

Non-compliance risks complicity, exposing states and officials to legal repercussions.

### Civil and Criminal Liability for Complicity

States and officials persisting in supporting Israel’s actions are liable for: - **Criminal Prosecution:** ICC charges for aiding and abetting genocide under Article 25(3)(c) of the Rome Statute, with potential indictments targeting officials facilitating military or financial support. - **Civil Responsibility:** ICJ adjudication for breaching Genocide Convention obligations, as established in *Bosnia v. Serbia* (2007), exposing states to reparative obligations. - **Domestic and Universal Jurisdiction Accountability:** Prosecutions may occur in officials’ home jurisdictions or - when domestic authorities fail to act - any state may assume prosecutorial authority under universal jurisdiction, ensuring accountability for complicity in genocide, war crimes, or crimes against humanity.

Officials in states such as the United States, providing \$3.8 billion in annual military aid, and Germany, escalating arms exports in 2024, bring profound shame upon their nations by enabling Israel’s genocidal campaign and face imminent civil and criminal liability for

their complicity and neglect of duty. The European Union's 2024 Gaza report explicitly warns that disregarding evidence invites complicity in future tribunals.

## Gaza's Enduring Moral Infamy and Historical Reckoning

The systematic extermination in Gaza—over 50,000 deaths, 1.9 million displaced, and engineered starvation—will be enshrined as an indelible moral blood-stain on human conscience, akin to the Holocaust's enduring legacy. The African Union's 2024 declaration labeled Israel's actions unparalleled in human history. The ICJ's January 2024 ruling, affirming the plausibility of South Africa's genocide claims, underscores the crisis's gravity.

Officials persisting in supporting Israel, notably in the United States and Germany, will be relentlessly pursued by civil society. Their complicity - through vetoes of UN Security Council resolutions, provision of military aid, and dismissal of irrefutable evidence - will consign them and their states to history's hall of shame for perpetuating this century's paramount atrocity.

## Conclusion

Israel's actions in Gaza unequivocally constitute genocide, with *actus reus* evidenced by mass killings, grievous harm, starvation, prevented births, and child deaths, and *mens rea* demonstrated through genocidal rhetoric, societal endorsement, and flagrant ICJ non-compliance. State parties are legally and morally compelled under the Genocide Convention and R2P to enact sanctions, support prosecutions, and cease complicity, or face liability for aiding war crimes, crimes against humanity, and genocide. Gaza's atrocities will forever scar human conscience and officials abetting Israel's crimes, bring shame upon their nations and will be relentlessly pursued for their complicity in one of history's gravest moral failings.

## Key Citations

- Israel/Occupied Palestinian Territory: 'You Feel Like You Are Subhuman': Israel's Genocide Against Palestinians in Gaza
- Yes to Transfer: 82% of Jewish Israelis Back Expelling Gazans
- Analysis | Jerusalem Day Flag March Reached a New Low: Mocking the Dead Children of Gaza
- Opinion | 'Death to the Arabs' Champions of Settler Violence Now Sit in the Heart of Israel's Government
- Opinion | 'Death to Arabs': Palestinians Need International Protection From Israel's Racist Jewish Thugs
- Opinion | Enough Is Enough. Israel Is Committing War Crimes
- Former Israeli PM Olmert explains why he believes his country is committing war crimes
- Israel's Smotrich says 'not even a grain of wheat' will enter Gaza
- Law for Palestine Database
- Israeli minister: Dropping nuclear bomb on Gaza 'an option'

- Amnesty International Siege Report
- Jerusalem's Flag March | Hundreds Chant 'Death to Arabs' as Israelis Rally in Jerusalem
- Top genocide scholars unanimous that Israel is committing genocide in Gaza: Dutch investigation
- Rome Statute
- EU Officials Will Claim Ignorance of Israel's War Crimes. This Leaked Document Shows What They Knew
- Hind Rajab Foundations
- ICJ Bosnia v. Serbia Judgment
- HRW Report
- Israeli opposition leader criticises killing 'children as a hobby'
- [Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v. Israel) - Provisional measures] (<https://www.icj-cij.org/case/192/provisional-measures>)